



Virginia
Regulatory
Town Hall

Periodic Review and Retention of
Existing Regulations
Agency Background Document

Agency Name:	Virginia Department of Transportation (Commonwealth Transportation Board)
VAC Chapter Number:	24 VAC 30-100-10 et seq.
Regulation Title:	Rules and Regulations for the Administration of Parking Lots and Environs
Action Title:	Review and Retain
Date:	June 26, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes overall policies, procedures, and conditions under which parking lots and related environs under the control of the Commonwealth Transportation Board may be used.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or

discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Under § 33.1-12(3), the Commonwealth Transportation Board (CTB) has authority “to make rules and regulations, from time to time, not in conflict with the laws of this Commonwealth, for the protection of and covering traffic on and the use of systems of state highways and to add to, amend or repeal the same.”

In addition, under § 46.2.1-1223, the Commonwealth Transportation Commissioner “may, by regulation, regulate parking on any part of the primary and secondary systems of state highways.” This provision also states that the power is subject to limitations spelled out elsewhere in the article.

The CTB and the Commissioner have wide discretion under these statutes to establish whatever regulations they deem appropriate.

The regulation does not exceed the minimum requirements of any state mandate.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

VDOT received no public comment during the Notice of Periodic Review period, so no response was prepared. No advisory group was formed to assist in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

VDOT seeks public comment regarding the following question: Does the regulation meet the following goals?

1. To protect the public's health, safety, and welfare with the least possible intrusiveness to the citizens and businesses of the Commonwealth.
2. Ensure maximum utility of facilities to users.

Goal 1: In addition to providing transportation-related services and programs, ensuring convenient and safe parking facilities is part of VDOT's mission. Motorists may choose to use a parking lot for many reasons (e.g., commuting purposes, carpooling, to relieve the stress or tedium of a journey, etc., enjoy the scenery, etc.). VDOT considers the regulation to be vital in protecting public, health, safety, and welfare at the affected facilities.

Goal 2: Given the importance of energy conservation to the Commonwealth, it is important that parking lots and their surroundings be physically attractive, accessible, and safe to encourage maximum use. These regulations help VDOT ensure that motorist, passenger, and vehicle safety are preserved, that the facilities are not damaged by abuse, that the Commonwealth's investment in these resources is preserved, and that the attractiveness of the surroundings is preserved for others to enjoy. Furthermore, the regulation permits decisions concerning appropriate and inappropriate use of these facilities to be handled fairly and consistently, regardless of location. As a result, the facilities are used to their fullest extent.

This regulation has no direct effect on the family or family stability. However, the regulation has an unquantifiable positive effect on the ability of families (and others) to enjoy the surrounding areas through prohibiting litter, damage to plants, animals, or facilities, as well as discouraging disturbances to the peacefulness of the areas affected.

VDOT believes that regulation is clearly written and understandable. Limitations on parking are listed. Speeches or public demonstrations are prohibited, unless allowed by permission of the Commonwealth Transportation Commissioner. Penalties for violations are specified. The regulation directs that users are subject to whatever regulations the Commissioner may post at the areas affected by the regulations. VDOT believes that the lack of public comment received concerning the regulation indicates general satisfaction with the format of the regulation and its clarity and ease of comprehension.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

State statute explicitly authorizes the CTB in general to make regulations concerning the use of the system of state highways. The Commissioner is specifically allowed to regulate parking on the system of state highways. It is reasonable to assume that the General Assembly recognized the appropriateness of regulations to govern parking at these facilities. Without some set of written directives concerning the subject, users would not be aware of prohibited and

permitted activities. Therefore, VDOT and the CTB believe that a regulation is the least burdensome alternative available for achieving the purpose of the regulation.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

VDOT recommends that this regulation be retained without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no direct effect on the family or family stability, nor does it affect any of the factors cited above. However, the regulation has an unquantifiable positive effect on the ability of families (and others) to enjoy the surrounding areas through prohibiting litter, damage to plants, animals, or facilities, as well as discouraging disturbances to the peacefulness of the areas affected.